

### **REMARKS**

By this Amendment, Applicants have amended claims 1, 7, 11 and 17 to delete the limitation concerning the transferring of the personalised information from the first handheld portable phone to the second handheld portable phone occurring in a single session.

In view of the foregoing amendments to claims 1, 7 and 11, it is submitted the rejection of these claims under 35 U.S.C. 112, first paragraph, in numbered section 4 of the Office Action is moot.

Claims 1-3, 5, 6 and 10 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Piosenka et al. (EP-0827353-A2). Applicants traverse this rejection and request reconsideration thereof.

The rejected claims relate to a method of transferring personalised information from a first handheld portable phone having a first memory means for storing the personalised information to a second handheld portable phone having a second memory means for storing the personalised information, to a method of making a backup of personalised information stored in a handheld portable phone having first memory means storing the personalised information, and to a computer program product for making a backup of personalised information stored in a first memory means in a handheld portable phone. According to the present invention, a connection is established between the handheld portable phone having the first memory means and a computer on which a data transfer application is running. The data transfer application on the computer is controlled by the user to read the personalised information from the first memory means for storing the personalised

information to memory means associated with the dated transfer application in the computer.

In connection with the method of making a backup and the computer program product for making a backup, the user is allowed to individually select the type of personalised information to be read from the first memory means prior to the controlling of the data transfer application. In connection with the method of transferring personalised information from the first handheld portable phone to the second handheld portable phone, a connection is established between the second handheld portable phone and the computer, and the data transfer application controlled on the computer to write the personalised information from the memory means associated with the data transfer application to the second memory means for the storing the personalised information in the second handheld portable phone. In connection with this method, the user is allowed to individually select the type of personalised information to be written into the second memory means prior to the controlling of the data transfer.

Thus, the user can individually select the type of personalised information to be transferred prior to the controlling of the data transfer.

The Piosenka et al. patent discloses a method and apparatus for programming a cellular phone via the use of a personal computer. The system described in Piosenka et al. includes software within the personal computer for providing a graphical user interface to the user for ease and simplicity of selecting various programming features and settings associated with the cellular telephone to be programmed. The software further includes a translator for translating these user

selected features/settings into specific key depresses to be sent to the cellular telephone via software and hardware interfaces, for accomplishing the programming of the features/settings. Additionally, the software includes the capability to monitor the data being displayed on the cellular telephone because such data may be required to accomplish various programming features. Basically, the Piosenka et al. patent uses a personal computer for doing the settings and data entries that could have been done on the cellular phone but for the poor user interface of the cellular phone.

While the paragraph bridging columns 7 and 8 of Piosenka et al. describes the use of a bi-directional link between the cellular phone and the personal computer and suggests numerous applications of the program, including transferring configurations from one phone to another, there is no disclosure as to how this is to be accomplished. Specifically, there is no disclosure in Piosenka et al. concerning the user being allowed to individually select the type of personalised information to be read or written prior to the controlling of the data transfer application, as presently claimed. While the Examiner refers to column 8, lines 36-52 to Piosenka et al., this portion of Piosenka et al. merely discusses the user's programming of the various programmable features of the cellular phone. There is no description that the user is allowed to select the type of personalised information to be read from the first memory means and/or written to the second memory means prior to the controlling of the data transferred. That is, the disclosure at column 8, line 36 et seq. of Piosenka et al. merely describes how the user may manually program the various programmable features of the cellular phone using the personal computer. This

disclosure in no way suggests how a user may select types of personalised information to be transferred to a first handheld portable phone to the memory means associated with the data transfer application in the computer and/or from the data transfer application in the computer to a second handheld portable phone. Accordingly, the Piosenka et al. does not anticipate the presently claimed invention.

Claims 7-9, 11-13, 15-17, 19 and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Piosenka et al. in view of U.S. Patent No. 6,301,471 to Dahm et al. Applicants transverse this rejection and request reconsideration thereof.

The patent to Dahm et al. discloses an on-line churn reduction and loyalty system and has been cited by the Examiner only for its teachings of a connection between a mobile device and a proxy server conducted using a wireless communications protocol, e.g., a Wireless Access Protocol (WAP). However, clearly nothing in Dahm et al. remedies the basic deficiencies noted above with respect to Piosenka et al. Accordingly, the claims are patentable over the proposed combination of references, at least for the reasons noted above.

Claims 4, 8, 14 and 18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Piosenka et al. in view of U.S. Patent 6,625,445 to Ishigami. Applicants traverse this rejection and request reconsideration thereof.

The Ishigami patent has been cited by the Examiner as disclosing a system for transferring data from the computer to a portable phone which determines whether the portable phone is capable of receiving the data. However, clearly nothing in Ishigami would remedy any deficiencies noted by with respect to Piosenka

et al. Accordingly, claims 4, 8, 14 and 18 are patentable over the proposed combination of Piosenka et al. and Ishigami, at least for the reasons noted above.


Applicants note that the Examiner has cited the patent to Lieu et al. as being pertinent to Applicants' disclosure. However, since this patent was not applied in rejecting claims formally in the application, further discussion of this patent is deemed unnecessary.

In view of the foregoing amendments and remarks, favorable reconsideration and allowance of all of the claims now in the application are requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (referencing attorney docket no. 1030.39683X00).

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



Alan E. Schiavelli  
Registration No. 32,087

AES/at  
(703) 312-6600